

**From:** [Matthew Merchant](#)  
**To:** [Peter Allard](#)  
**Subject:** Suggestions  
**Date:** Wednesday, September 14, 2022 4:46:02 PM

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Dear Peter,

I do have some suggestions regarding the litigation.

You should sue Marc Ma for inducing breach of contract.

The Statement of Claim should sue Marc Ma, the CEO of Kaisen, and John Doe, John Doe II, and John Doe III because we do not know who the others involved are for criminal conspiracy to defraud True North out of whatever amount the claim is for.

You really want to say "criminal conspiracy" to raise the issue in Marc Ma's mind that he reads "criminal conspiracy" in the Statement of Claim and worries that the next person at his door may be the RCMP.

The Statement of Claim ought not to be for what you paid but your potential liability to customers. For example you might have bought 500 miners for \$1.5M but sold them for \$2.25M and the True North liability will be whatever was paid and the True North liability would also include what people claim would have been their profit. Minimally the True North liability would be for what people paid and interest and costs since they paid, so interest might be 5% a year or something.

Encourage your lawyers to be aggressive and expansionist in their thinking about the nature of the claim. If you get into the mind of Marc Ma and the other people that this deceit regarding the company having delivered the miners is not a deceit that can delay the inevitable for long, unless these companies are going bankrupt and if they really will have the product, perhaps after being served with the Statement of Claim they will say 'look we can deliver the miners after two months or four months or something.'

Best regards,  
Tony Merchant